



Private law firms may get half of damages in poultry case

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OKLAHOMA CITY (AP) -- Up to half of any money awarded to the state in a federal lawsuit against poultry companies accused of polluting eastern Oklahoma lakes and streams could go to three private law firms who will represent the state.

The attorneys' share of any judgment or settlement could reach tens of millions of dollars, but the law firms could also lose a few million dollars because they are required to pay all upfront litigation costs with no guarantee of reimbursement.

Attorney General Drew Edmondson said he contracted for legal services on a contingency fee basis because he does not have enough environmental attorneys on his staff to handle the case and does not want taxpayers to pay the cost of litigation.

"What we want is clean water and clean land, and we don't want taxpayers to have to pay for the cost of litigation to get that," Edmondson said.

The attorney general estimated the private law firms already have spent between \$1 million and \$2 million on the case.

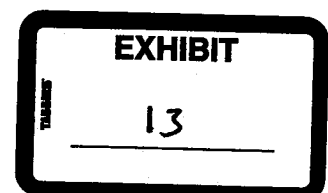
The law firms are: Riggs, Abney, Neal, Turpen, Orbison & Lewis of Oklahoma City and Tulsa, which includes Mike Turpen, a former attorney general and former chairman of the state Democratic Party; Motley Rice of South Carolina; and Miller & Keffer, LLP, of Tulsa.

Turpen's firm was awarded about \$30 million for its work representing the state in a class-action lawsuit against tobacco companies.

Members of that firm contributed more than \$25,000 to Edmondson's re-election campaign in 2002 but the attorney general said politics was not a factor in selecting the firm.

Turpen did not return telephone calls from The Oklahoman seeking comment.

Four groups of attorneys responded to a request for proposals sought by Edmondson. The group selected was the only one that agreed to cover upfront costs while having its fees and expenses capped at 50 percent of any damages, Edmondson said.



Many of Oklahoma's biggest law firms were ineligible because they previously represented one or more of the 14 poultry companies being sued, including Tyson Foods, Cargill and Peterson Farms.

Edmondson said he capped attorneys fees and expenses because of past controversies that arose when law firms received almost all settlement amounts or damages awarded to governmental bodies.

Two years ago, several poultry companies agreed to pay Tulsa \$7.5 million to settle a lawsuit that accused them of producing chicken litter that polluted watersheds that provide about half of Tulsa's drinking water.

The Oklahoma City law firm of McKinney & Stringer was given \$7.3 million for its work in the case, leaving the city with just \$200,000.

Edmondson said the poultry companies could have avoided the latest lawsuit if they had agreed to remove excess chicken litter and stop putting it on the ground in the Illinois River watershed, but the companies refused.

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